

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9186 OF 2025

Asim Shoaib Mohamed Shaukat

.. Petitioner

Versus

Janta Co-Op Bank Ltd Throu. Chief Executive
Officer and Ors.

.. Respondents

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- Mr. Sanjeev B. Deore a/w Ms. Suchita J. Pawar and Mr. Arman Ansari, Advocates for Petitioner.
- Mr. Anilkumar Patil a/w Ms. Zeel Jain i/by Mr. Digvijay A. Patil, Advocates for Respondent Nos.1 and 2.
- Mr. Hrishikesh S. Shinde, Advocate for Respondent No.3.
- Mr. Ansari Imtiyaz Ahmed, CEO, present.

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CORAM : MILIND N. JADHAV, J.

DATE : JULY 14, 2025

P. C.:

1. Heard Mr. Deore, learned Advocate for Petitioner; Mr. Patil, learned Advocate for Respondent Nos.1 and 2 and Mr. Shinde, learned Advocate for Respondent No.3.

2. Present Writ Petition is filed on 09.06.2025 which impugns chargesheet and notice of enquiry issued to Petitioner on the alleged charges as stated in the chargesheet for misconduct. Petitioner approached this Court by way of present Petition primarily on the ground that notice of enquiry is *sans* jurisdiction inasmuch as it was issued by the Authority not competent to issue the same and therefore the entire proceeding is vitiated. Before the Petition could be heard

Respondent – Bank proceeded with the enquiry by virtue of which final show-cause-notice was issued to the Petitioner, *inter alia*, calling upon Petitioner to show cause as to why he should not be terminated from service. The final show-cause-notice was based upon an enquiry report prepared by the Respondent No.1 – Bank. Since the procedure for terminating the Petitioner was taken forward by the Bank in the interregnum, the Petitioner had no option but to participate in the same while simultaneously seeking hearing of the present petition. The bank led evidence of its witnesses who were duly cross examined by the representative of the Petitioner in the enquiry pursuant to the final show-cause-notice. Petitioner thereafter did not lead evidence of his witnesses or stepped into the box himself primarily because of the pendency of the present Petition before this Court as Petitioner had some hopes of securing orders from this Court. In the interregnum the Petitioner met with an accident during the enquiry which was held by the Respondent – Bank and due to the same sought an adjournment in the enquiry. However without adhering to the request made by the Petitioner, the Bank proceeded with the enquiry pursuant to final show-cause-notice and asked the Petitioner to remain present by addressing letters to him. Since Petitioner could not remain present, by virtue of the final order dated 14.07.2025 the Bank considered the letter received from Petitioner for adjournment and expressed its

dissatisfaction and in a Special Meeting of the Board of Directors held on 11.07.2025 which was convened to consider the reply to the final show-cause-notice and enquiry report and the Bank resolved and decided to terminate the services of Petitioner with immediate effect.

3. Today when the matter is called out for hearing Mr. Patil, learned Advocate for Respondent No.1 Bank at the outset places on record the termination order dated 14.07.2025. Copy of the same is handed over to Mr. Deore, learned Advocate for Petitioner in Court before me. Original termination letter is returned back to Mr. Patil and a xerox copy of the same is taken on record. After considering aforesaid incidents and timelines no fruitful purpose will be served to direct the Petitioner to challenge the termination order and make amendment to the present Petition since it will protract and prolong the ignominy of the Petitioner further. Hence in order to ameliorate the suffering of Petitioner it would be in the interest of justice if Petitioner is given an adequate opportunity to meet the case of the Bank in the final show-cause-notice dated 27.06.2025 and enquiry report dated 25.06.2025 and appear before the Bank by filing an appropriate reply thereto and if needed to examine himself as also any witnesses if he so desires to in accordance with law.

4. I have impressed upon Mr. Deore that since the matter for deciding the termination of the Petitioner has proceeded *ex-parte*

without reply to the final show-cause-notice of the Petitioner not being on record and the Petitioner having been deprived of the opportunity to lead evidence, Mr. Deore has taken instructions and informed the Court that if Petitioner is given an opportunity to file his reply and lead evidence of witness appropriate directions be passed accordingly. Mr. Patil, in his usual fairness takes instructions from the CEO of the Bank present in Court and does not oppose the above course of action as the enquiry will have to conclude after hearing the Petition.

5. In view of the above, without prejudice to the rights and contentions of the parties termination order dated 14.07.2025 is quashed and set aside. Though it is not part of the present Writ Petition this Court while dealing with the case under Article 227 read with Article 226 of the Constitution of India under which the present Writ Petition is filed has ample powers to consider subsequent developments and pass appropriate orders. Therefore order dated 14.07.2025 is quashed and set aside with the following directions:-

- i) Respondent No.1 – Bank shall issue a fresh show-cause-notice to the Petitioner within a period of two weeks from today alongwith all other documentary evidence which the Respondent No.1 – Bank desires to rely upon in the said show-cause-notice;

ii) Petitioner shall file reply to the show-cause-notice within a period of two weeks thereafter;

iii) Petitioner shall decide whether he wants to lead evidence in rebuttal to the evidence of the Bank which has already been led in the enquiry pursuant to issuance of final show-cause-notice;

iv) Mr. Patil upon instructions received from Mr. Ansari, CEO of Respondent No.1 - Bank informs the Court that Bank will also examine further witnesses, if necessary in the enquiry proceedings. In that case after the Bank completes examination of its witnesses the Petitioner - employee will be permitted to examine his witnesses, if so desired;

v) Aforesaid exercise is directed to be completed within a period of 2 and ½ months from today.

6. At the end of the enquiry the Bank is decided complete investigation pursuant to the final show-cause-notice and pass appropriate reasoned order strictly in accordance with law. If the said order is adverse to the Petitioner said order shall be stayed for a further period of two weeks thereafter to enable the Petitioner to take appropriate steps in accordance with law.

7. With the above directions, Writ Petition is allowed and disposed.

ER. Rajput

[MILIND N. JADHAV, J.]